

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12731, of William Parr, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3104.47 to continue the operation of a Social Service Center to be operated by Special Approaches In Juvenile Assistance (SAJA) in the R-5-B District at the premises 1743 - 18th Street, N.W., (Square 153, Lot 121).

HEARING DATE: August 23, 1978
DECISION DATE: October 4, 1978

FINDINGS OF FACT:

1. The subject property is located at the northeast corner of 18th Street and Riggs Place, N.W., and has an area of 1,256 square feet. The property is improved with a large three story plus basement structure.

2. The subject property is currently being used by Special Approaches in Juvenile Assistance (SAJA). The first, second and third floors are used for the Runaway House Program, designed to provide temporary shelter, individual and group counseling, medical, legal and psychiatric referrals, court liaison work and family counseling for persons between the ages of 13 and 18 years old who need short term or immediate assistance in solving personal problems. The basement is used as office space for SAJA's Foster Care Placement Program and for the Resource Center, which serves as an administrative office. The property has been used by SAJA for approximately nine years.

3. SAJA was formed in 1968, and incorporated in 1969, as a non-profit organization, as an outgrowth of a church sponsored program in the Dupont Circle area offering crisis counseling, referral services and temporary shelter for youths who had run away from their families or were otherwise having family problems. The facility located at 1743 - 18th Street, the subject site, became known as Runaway House.

4. Since 1969, SAJA has expanded the range of services it provides to include a Family Counseling Service, which is a program run by professional counselors and paraprofessionals to provide family counseling and guidance, the Foster Care Program, which assists in foster home location, placement and supervision, and the Group Homes Program, which operates foster homes for up to six people.

5. The SAJA Resources Center, located in the basement of the subject site, coordinates the administrative, planning, fund raising, staff recruitment and training, and public relations functions of the organization.

6. People are referred to SAJA by the Courts, by various social service agencies of the District of Columbia, Maryland and Virginia and by private social service agencies. Approximately seventy-five per cent of the persons who have used the facilities at Runaway House have been from the District of Columbia, with the remainder from other parts of the metropolitan area and other areas.

7. SAJA was originally organized as a collective, without a strong central management capability and with no single persons having overall responsibility for the direction of the organization or its programs. In April of 1977, SAJA restructured its organization to create a Board of Directors, two co-executive directors, plus various other organizational positions. This reorganization has established a clear sense of responsibility, and even during the limited time that it has been in effect, it has shown that SAJA can function in a residential community without being detrimental to that community.

8. The facilities at 1743 - 18th Street include offices in the basement, a kitchen, dining room and living rooms on the first floor and sleeping rooms on the second and third floors. The Runaway House will house a maximum of twelve youths at one time. A paid staff of seven persons, plus a volunteer staff of from eight to fifteen persons, supervises the Runaway House. Adult supervision is provided at all times, though no single staff person resides full time on the premises.

9. Adjacent to the site on the south on 18th Street is a three story structure used as a multi-family dwelling. Adjacent to the site on the east on Riggs Place is a single-family row dwelling. Across 18th Street to the west are two four-story apartment buildings and three row dwellings. The immediate area surrounding the site is predominantly residential in use and character, including a mixture of single-family and multiple dwellings, and a mixture of high-rise, and mid-rise and low-rise structures.

10. There are no structural changes proposed to be made to the premises.

11. There is no sign or other indication identifying the nature of the use at 1743 - 18th Street, N.W.

12. The use of the premises by SAJA was approved by the Board of Zoning Adjustment for a period of one year by BZA Order No. 12352, dated August 25, 1977. That Order incorporated the conditions agreed to by SAJA and ANC-2B, on behalf of the residents of the area. The written agreements adopted by SAJA and the residents within the ANC single member district where SAJA is located established a liaison relationship between SAJA, and ANC-2B. The agreement provided all residents of the community who had problems with the program, a direct mechanism to deal with those problems.

13. SAJA is operated under house rules that govern the conduct of both staff and residents of the house. The house prohibits the use of drugs and the congregation of residents and staff on the steps outside the building or around the side yards of the house and on nearby adjacent street corners. This rule minimizes the amount of noise or other objectionable conditions that the community is exposed to.

14. SAJA has worked very diligently to promote a good working relationship with the community to prevent any misunderstanding or adverse impacts upon the immediate residents.

15. SAJA has fully complied with all conditions of the previous BZA Order No. 12352, dated August 25, 1977.

16. The Municipal Planning Office, by report dated August 18, 1978, and testimony at the hearing recommended the approval of the application for a period of three years subject to the following conditions: (1) A maximum of twelve runaways shall be permitted to reside on the premises at any one time. That adequate adult supervision be provided to identify the use of the property (3) No sign or other indication will be provided to identify the use of the property (4) The exterior of the property will be properly maintained and that no trash and debris will be allowed to accumulate. The MPO **reported** that SAJA provides valuable service to the community and that its programs are well run and sensitive to the needs of its clients. The MPO reported that, in its opinion, SAJA has made a sincere effort to adhere to the condition of the Board's Order under which it now operates. The Board so finds.

17. By memorandum, dated August 22, 1978, the Department of Human Resources recommended the approval of the application on the grounds that SAJA provides a much needed service to the juveniles of the greater Washington and metropolitan area in an effort to restore stabilizing relationships for runaway youth. The Board so finds.

18. A petition was submitted to the record by the residents of the area near 1743 - 18th Street, N.W., endorsing the continuation of the operation of Runaway House and the memorandum of understanding between SAJA and the neighbors.

19. Advisory Neighborhood Commission 2B voted to endorse the application of SAJA, because of SAJA's strong commitment to be responsive to its neighbors. The Advisory Neighborhood Commission recommended that approval be for a period of two years.

20. There were a number of letters submitted to the record from various organizations within the greater metropolitan area in support of SAJA's application.

21. The Dupont Circle Citizens Association was opposed to the application on the grounds that it is opposed to all Halfway and Runaway Houses being restricted to only R-5-B Districts. That facilities is used by persons who do not reside in the District of Columbia, that the facility houses both male and female troubled youths under the same roof, and that the counseling of youths who reside in the home by four different individuals should be done by one counselor instead.

22. As to the objections raised by the Dupont Circle Citizens Association, the Board notes that the Zoning Commission presently has pending before it in Case No. 78-12 proposed amendment to the Zoning Regulations regarding the location of all community based facilities, including halfway houses. The location of such facilities is a policy matter to be decided by the Commission; the Board cannot amend the Regulations. As to the other objection, the Board finds that such complaints are not zoning matters, but relate only to the internal operation of SAJA.

CONCLUSIONS OF LAW AND OPINION:

The Board concludes that the weight of the evidence, as set out in the findings of fact and full record in this case, is such that the application should be granted. The Board concludes that the applicant has gone to great lengths to establish a smooth, acceptable working relationship with the residents of the community in which it is located. The effectiveness of SAJA's efforts has been proven successful by the endorsement of this application by the large, majority of the community.

The Board concludes that the fact that there is a large number of these facilities in the general area is not sufficient to require that this application be denied. Each case must be evaluated on its own merits according to the regulations, and in this case, the Board is of the opinion that SAJA has done all that the Board demanded.

The Board concludes that the fact that a number of people who use this facility are not from the District of Columbia is also not sufficient to require that this application be denied. The Zoning Regulations make no distinction as to the former or original place of residence of current and/or future residents or clients of the proposed social service center. There is no basis in law to support the distinction.

The Board notes the recommendation of the Advisory Neighborhood Commission, and concludes that in its decision, the Board has accorded to the ANC the "great weight" to which it is entitled.

The Board notes that the Zoning Commission is considering whether to change the Zoning Regulations which empower the Board to grant this special exception. For that reason, the Board concludes that it should not grant the application for the requested two year period, but should approve the application for one year only, to enable the SAJA operation to be evaluated again based on whatever new standards the Zoning Commission may adopt.

Therefore, in consideration of the above findings of fact and conclusions of law, it is hereby ORDERED that the application be GRANTED, subject to the following CONDITIONS:

- a. Approval shall be for a period of one (1) year.

- b. SAJA shall continue to comply with the conditions contained in the "Memorandum of Agreement and Understanding"

VOTE: 3-1 (William F. McIntosh, Charles R. Norris, Theodore F. Mariani to GRANT, Chloethiel Woodard Smith to DENY; Leonard L. McCants not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 6 NOV 1978

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.